

No. 6,070,150 (Remington et al.). Reconsideration in view of the following remarks is respectfully requested.

# **I. IMPROPER REFERENCES APPARENTLY CITED**

Initially, Applicants note that the Office appears to refer to three distinct references as "Three Way Match Requirement." The publication "Three Way Match Requirement for all Procurement Component Payments" comprises a two page publication as found at [www.finance.state.mn.us/agencyapps/mapsdocs/opsman/pdf/08section/0803-05.pdf](http://www.finance.state.mn.us/agencyapps/mapsdocs/opsman/pdf/08section/0803-05.pdf) that includes a date of June 29, 1995, used by the Office as an apparent publication date. However, the Office also apparently utilizes two additional publications that have not been made of record on a form PTO-892 along with *Three Way Match*. One reference comprises a three page publication titled "Paying a CSO DOC Type" as found at [www.mmd.admin.state.mn.us/pay.htm](http://www.mmd.admin.state.mn.us/pay.htm) and includes a manually updated last revised date of July 17, 1997 (*Paying a CSO*). The second reference comprises a three page publication titled "Create A Central Stores Order for Stocked Merchandise" as found at [www.mmd.admin.state.mn.us/stock.htm](http://www.mmd.admin.state.mn.us/stock.htm) and also includes a manually updated last revised date of July 17, 1997 (*Stocked Merchandise*).

Applicants respectfully submit that there is insufficient evidence to properly consider *Paying a CSO* and *Stocked Merchandise* as prior art. Applicants herein include printouts of search results returned when the three references were sought on the State of Minnesota's web site as Exhibit A. The search results include what appears to be the date that each publication was first posted to the Minnesota web site. As can be seen, *Paying a CSO* and *Stocked Merchandise* both include an apparent posting date of February 2, 2001, which is well after the

filing of the present application. The Office obtained these references by accessing the Internet web site for the State of Minnesota on April 17, 2002, and the Office has not provided any further evidence of an earlier publication of these references. Even if, *arguendo*, the last revised date included for both references is accurate, this date has no bearing on determining the *publication* date for the references. As a result, Applicants respectfully submit that *Paying a CSO* and *Stocked Merchandise* cannot properly be considered prior art by the Office. See MPEP § 2128.

Should the Office determine that *Paying a CSO* and *Stocked Merchandise* are properly considered prior art, Applicants respectfully request that the two references be made part of the record by the issuance of a form PTO-892 listing *Paying a CSO* and *Stocked Merchandise*.

## II. REJECTION OF CLAIMS 1 AND 6-9

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 706.02(j).

With regard to the rejection of claims 1 and 6-9, should the Office be relying solely on Moriyama and the **two page** publication *Three Way Match*, Applicants respectfully resubmit that *Three Way Match* "does not describe at all how the match is performed." Specifically, *Three Way Match* does not include any reference to the "comparison of 'invoice numbers', 'quantity'

and 'unit prices'" as alleged in the Final Office Action. In fact, none of the words quoted by the Office or synonyms for the words appear anywhere in the two page reference. As a result, Applicants respectfully request withdrawal of this rejection.

Should the Office be relying on Moriyama in combination with one or more of *Three Way Match*, *Paying a CSO*, and *Stocked Merchandise*, Applicants respectfully request that the finality of the Office Action be withdrawn in light of the confusion caused by the inclusion of three separate references under the title of one of the references.

Further, with regard to a possible rejection of claims 1 and 6-9 in view of Moriyama in combination with one or more of *Three Way Match*, *Paying a CSO*, and *Stocked Merchandise*, Applicants respectfully submit that neither *Paying a CSO* or *Stocked Merchandise* discloses the claimed three way match process. In particular, none of the cited references discloses "performing a logical three-way match between each said invoice, said one or more goods received receipts, and said one or more purchase orders..." as stated in the claimed invention.

Regarding *Stocked Merchandise*, this reference does not include any discussion regarding a "matching tool means." *Stocked Merchandise* discusses the steps required for creating a Central Stores Order (CSO), or purchase order. The reference does not include any discussion for matching a purchase order with a goods received receipt and/or an invoice. As a result, this reference cannot "teach[] the three way match process..." of the claimed invention.

Regarding *Paying a CSO*, Applicants initially note that *Paying a CSO* does not explicitly or implicitly discuss goods received receipts. As a result, this reference cannot disclose "performing a logical three-way match between each said invoice, **said one or more goods received receipts**, and said one or more purchase orders." The discussion in *Paying a CSO* is

limited to steps for creating an invoice (steps 2-9) by comparing the invoice data with data on a purchase order, and authorizing payment for the invoice (steps 10-13).

Further, Applicants respectfully submit that *Paying a CSO* fails to discuss matching an invoice with a purchase order by comparing unit price or quantity. In *Paying a CSO*, any comparison between unit price and quantity on the invoice and purchase order is performed *after* the invoice and purchase order have been matched. For example, in step 2 of *Paying a CSO*, an invoice header is created that includes, *inter alia*, an order number. In step 4, two options are presented based on whether the invoice matches data in the purchase order. The fact that the new invoice and purchase order are matched before step 4 is implicit with the ability to compare data on the invoice with that of the purchase order. Since only the order number was entered prior to Step 4, the invoice and purchase order must be matched using only the order number, and no comparison between unit price or quantity could have been made to make this match.

As a result, Applicants respectfully request withdrawal of the rejection of claims 1 and 6-9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moriyama in view of one or more of the publications *Three Way Match*, *Paying a CSO*, and *Stocked Merchandise*.

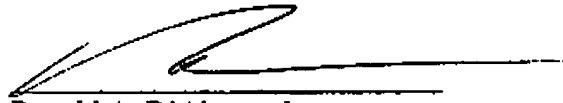
### III. REJECTIONS OF CLAIMS 2-4

Applicants note that the rejections of claims 2-4 rely on the rejection of claim 1. As a result, Applicants herein incorporate the arguments presented above with respect to claim 1, and respectfully request withdrawal of these rejections.

#### IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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